

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of MURPHY ET AL. )  
 ) Art Unit: 1761  
 )  
 Serial Number: 09/728,443 ) Examiner: Wong, L.  
 )  
 Filed: December 1, 2000 ) Atty Docket: 5485

For: CALCIUM FORTIFIED DAIRY PRODUCTS AND METHODS OF PREPARATION

NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated July 31, 2002 rejecting the following claims: 1-22 and 25-27.

The fee for this Notice of Appeal is: \$320.00

If one of the boxes below has been checked, then this paper also constitutes a Petition for an Extension of Time under 37 C.F.R. 1.136(a) to reply to the rejection:

Extension of time requested for:

- |                          |   |    |
|--------------------------|---|----|
| <input type="checkbox"/> | 1 Month (37 CFR 1.17(a) (1))                | \$ |
| <input type="checkbox"/> | 2 Months (37 CFR 1.17(a)(2))                | \$ |
| <input type="checkbox"/> | 3 Months (37 CFR 1.17 (a)(3))               | \$ |
| <input type="checkbox"/> | 4 Months (if available) (37 CFR 1.17(a)(4)) | \$ |

The sum of the fee for the Notice of Appeal and the fee for any extension of time is

\$320.00

☐ Applicant is a small entity under 37 CFR 1.9 and 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$

- ☐ A check in the amount of the fee is enclosed.
- ☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or any other payment to Deposit Account No. 04-1075. A duplicate copy of this sheet is enclosed.

11/07/2002 DFLOYD

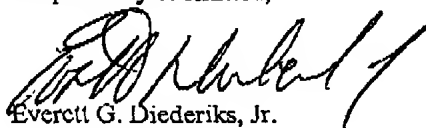
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041075 any payment to Deposit Account No. 04-1075. A duplicate copy of this sheet is enclosed.

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320.00 CH

Respectfully submitted,

  
 Everett G. Diederiks, Jr.  
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 Registration No. 33,323

Date: October 31, 2002